

Cynthia Z. Levin, Esq. (PA 27070)  
Law Offices of Todd M. Friedman, P.C.  
1150 First Avenue, Suite 501  
King of Prussia, PA 19406  
Phone: 888-595-9111 ext 618  
Fax: 866 633-0228  
[clevin@attorneysforconsumer.com](mailto:clevin@attorneysforconsumer.com)  
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DAVID MANTZ,** ) Case No.  
Plaintiff, )  
vs. )  
**MONARCH RECOVERY  
MANAGEMENT, INC.,** ) **COMPLAINT FOR VIOLATION  
OF THE PENNSYLVANIA FAIR  
CREDIT EXTENSION  
UNIFORMITY ACT,  
PENNSYLVANIA UNFAIR TRADE  
PRACTICES AND CONSUMER  
PROTECTION LAW, FEDERAL  
FAIR DEBT COLLECTION  
PRACTICES ACT AND  
TELEPHONE CONSUMER  
PROTECTION ACT  
)**

Defendant.

## I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Pennsylvania Fair Credit Extension Uniformity Act and Pennsylvania Unfair Trade Practices and Consumer Protection Law. Furthermore, Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA"), which prohibit debt collectors from

1 engaging in abusive, deceptive, and unfair practices. Ancillary to the claims  
2 above, Plaintiff further alleges claims for Defendant's violations of the Telephone  
3 Consumer Protection Act., 47 U.S.C. §227, *et seq.* (hereinafter "TCPA").  
4

5 **II. JURISDICTION**  
6

7 2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).  
8

9 **III. PARTIES**  
10

11 3. Plaintiff, David Mantz ("Plaintiff"), is a natural person residing in  
12 Northumberland county in the state of Pennsylvania, and is a "consumer" as  
13 defined by the FDCPA, 15 U.S.C. §1692a(3).  
14

15 4. At all relevant times herein, Defendant, Monarch Recovery  
16 Management, Inc., ("Defendant") was a company engaged, by use of the mails  
17 and telephone, in the business of collecting a debt from Plaintiff which qualifies  
18 as a "debt," as defined by 15 U.S.C. §1692a(5). Defendant regularly attempts to  
19 collect debts alleged to be due another, and therefore is a "debt collector" as  
20 defined by the FDCPA, 15 U.S.C. §1692a(6).  
21

22 **IV. FACTUAL ALLEGATIONS**  
23

24 5. At various and multiple times prior to the filing of the instant  
25 complaint, including within the one year preceding the filing of this complaint,  
26 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.  
27  
28

1       6. Defendant attempted to contact Plaintiff at (570) 996-9591, in  
2 connection with an attempt to collect an alleged debt that does not belong to  
3 Plaintiff.

5       7. Plaintiff, on more than one occasion, requested that they cease and  
6 desist from contacting him at (570) 996-9591 as they were contacting the wrong  
7 party.

9       8. Defendant contacted Plaintiff at times and places that were known or  
10 should have been known to be inconvenient, including calls made to (570) 996-  
11 9591 after being informed that Plaintiff was not the person who owed the alleged  
12 debt.

15       9. Plaintiff received automatically dialed collections calls to his cellular  
16 phone (570) 996-9591 from Defendant in connection with an attempt to collect an  
17 alleged debt that he did not owe.

19       10. Defendant placed automatically dialed collection calls to Plaintiff's  
20 cellular phone (570) 996-9591 in connection with an attempt to collect an alleged  
21 debt that he did not owe, causing Plaintiff to incur charges for each of call.

24       **COUNT I:VIOLATION OF THE PENNSYLVANIA FAIR CREDIT**  
25       **EXTENSION UNIFORMITY ACT**

26       11. Plaintiff hereby incorporates all facts and allegations set forth in this  
27 Complaint by reference as if fully set forth at length herein.  
28

1       12. The Pennsylvania Fair Credit Extension Uniformity Act  
2 (“PaFCEUA”) 73 P.S. § 2270.1 *et seq.* prohibits harassing and deceptive conduct  
3 by creditors while engaging in the practice of collecting a debt from consumers.

4       13. Section 2270.5 of the PaFCEUA allows consumers to recover  
5 damages against creditors who engage in unfair and deceptive debt collection  
6 practices under the Pennsylvania Unfair Trade Practices and Consumer Protection  
7 Law (“PUTCPL”).  
8

9       14. Plaintiff is a “consumer” as defined by § 2270.3 of the PaFCEUA.  
10

11       15. Defendant is a “creditor” as defined by § 2270.3 of the PaFCEUA.  
12

13       16. Defendant’s conduct violated the PaFCEUA in multiple ways,  
14 including but not limited to:  
15

16           a) Causing Plaintiff’s telephone to ring repeatedly or  
17           continuously with intent to harass, annoy or abuse  
18           Plaintiff; and  
19           b) Communicating with Plaintiff at times or places which  
20           were known or should have been known to be  
21           inconvenient for Plaintiff.

22       17. As a result of the above violations of the PaFCEUA Plaintiff suffered  
23 and continues to suffer injury to Plaintiff’s feelings, personal humiliation,  
24 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
25 Plaintiff for Plaintiff’s actual damages, statutory damages, and costs and  
26 attorney’s fees.  
27

1           **COUNT II: VIOLATION OF THE PENNSYLVANIA UNFAIR TRADE**  
2           **PRACTICES AND CONSUMER PROTECTION LAW**

3           18. Plaintiff hereby incorporates all facts and allegations set forth in this  
4           Complaint by reference as if fully set forth at length herein.

5           19. Defendant's conduct as set forth above constitutes an unfair or  
6           deceptive practice within the meaning of the Pennsylvania Unfair Trade Practices  
7           and Consumer Protection Law, 73 P.S. §201-1, et seq.

8           20. Defendant's violation of the Pennsylvania Unfair Trade Practices  
9           and Consumer Protection law has caused Plaintiff to suffer the damage set forth  
10          hereinabove.

11          21. Plaintiff is entitled to triple damages and attorneys' fees as a result of  
12          Defendant's conduct, pursuant to 73 P.S. §201-9.2.

13           **COUNT III: VIOLATION OF FAIR DEBT**  
14           **COLLECTION PRACTICES ACT**

15          22. Plaintiff reincorporates by reference all of the preceding paragraphs.

16          23. Defendant's conduct violated the FDCPA in multiple ways,  
17          including but not limited to:

18           a. Causing Plaintiff's telephone to ring repeatedly or  
19           continuously with intent to harass, annoy or abuse  
20           Plaintiff (§ 1692d(5)); and  
21           b. Communicating with Plaintiff at times or places which  
22           were known or should have been known to be  
23           inconvenient for Plaintiff (§1692c(a)(1)).

1  
2       24. As a result of the above violations of the FDCPA Plaintiff suffered  
3 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
4 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
5 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
6 attorney's fees.  
7  
8

### **PRAYER FOR RELIEF**

9  
10      WHEREFORE, Plaintiff respectfully prays that judgment be entered  
11 against the Defendant for the following:  
12  
13

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

### **COUNT IV: VIOLATION OF TELEPHONE CONSUMER PROTECTION ACT**

20  
21      25. Plaintiff reincorporates by reference all of the preceding paragraphs.  
22  
23      26. Defendant's conduct violated the TCPA in multiple ways, including  
24 but not limited to:  
25  
26      a) using any automatic telephone dialing system or an artificial or pre-  
27 recorded voice to any telephone number assigned to a paging  
28 service, cellular telephone service, specialized mobile radio service,

1 or other radio common carrier service, or any service for which the  
2 called party is charged for the call (47 USC §227(b)(A)(iii)).

3 27. As a result of the above violations of the TCPA Plaintiff suffered  
4 and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
5 embarrassment, mental anguish and emotional distress, and Defendant is liable to  
6 Plaintiff for Plaintiff's actual damages, statutory damages, and costs and  
7 attorney's fees.  
8

9  
10 **PRAYER FOR RELIEF**  
11

12 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
13 against the Defendant for the following:  
14

15 A. Declaratory judgment that Defendant's conduct  
16 violated the TCPA;  
17 B. Actual damages;  
18 C. Statutory damages for willful and negligent violations;  
19 D. Costs and reasonable attorney's fees,  
20 E. For such other and further relief as may be just and proper.

21 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**  
22

23 Respectfully submitted this 7th day of November, 2011.  
24

25 By: /s Cynthia Levin  
26 **Cynthia Levin, Esq. (PA 27070)**  
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